



Region 4
4600 Giant Springs Road
Great Falls MT 59405-0901

**Environmental Assessment Decision Notice
for the Prickly Pear Creek Fishing Access Site Proposed Acquisition
July 15, 2013**

Proposal

Montana Fish, Wildlife & Parks (FWP) proposes to acquire approximately 36 acres of land in Lewis and Clark County, Montana along Prickly Pear Creek for the purpose of establishing a fishing access site (FAS). Prickly Pear Land Trust, the current landowner, has offered to donate the property in fee title to FWP. The proposed FAS is located 3.5 miles northeast of Helena north of Olsen Road in the Helena Valley in Lewis and Clark County. This Environmental Assessment (EA) addresses the acquisition of the property only. A separate EA would be issued prior to any site development work.

Montana Environmental Policy Act Process (MEPA) and Public Involvement

On June 14, 2013, FWP released a draft EA for the Prickly Pear Creek Fishing Access Site Parcel Proposed Acquisition. The EA evaluated the potential impacts of the following alternatives:

Alternative A: No Action

If no action were taken, Prickly Pear Land Trust could retain or dispose of the property at their option, but FWP would lose the opportunity to obtain this property and provide safe, public access to Prickly Pear Creek.

Preferred Alternative B: Proposed Action

FWP would accept the donation of a 36-acre tract of land along Prickly Pear Creek in order to establish a FAS and provide public access to Prickly Pear Creek for fishing, picnicking, walking, and wildlife viewing.

Summary of Public Comment

Ten comments were received from eleven respondents during the public comment period. No comments voiced opposition to the proposed acquisition of the parcel. Two respondents raised issues that were not addressed in the Environmental Assessment.

Comment: Seven respondents to the proposed action voiced support for Alternative B as the preferred alternative.

Response: These comments of support are noted.

Comment: One of the respondents that raised issues not addressed in the EA involved the seasonal presence of an apiary on an adjoining parcel on the eastern boundary of the proposed acquisition that is registered for 60 colonies.

Response: The comment noted that this situation was not inherently dangerous, but would warrant signing the area to advise the public of the apiary and suggest avoidance of the immediate area. Based on the advice of beekeepers consulted, these steps appear to be adequate and warranted to address this issue.

Comment: The second respondent that raised an issue not addressed in the EA involved human health that was not addressed under 8.-Risk/Health Hazards; the respondent questioned the compatibility of using the acquisition as a FAS while a neighbor sprayed raw sewage on the property.

Response: No raw sewage will be sprayed on the parcel identified as the proposed acquisition. However, the Treasure State Acres Sewage Lagoon is located northwest of the proposed acquisition. A neighboring landowner may be in negotiations to utilize treated waste water from the system for spray irrigation as the final treatment to allow the vegetation/crop to uptake and utilize the nutrients, which eliminates the need for a discharge permit. This is a practice that has been applied on other nearby parcels for years. DEQ regulations require a buffer zone of 200 feet between fencing and the irrigated land. Other requirements including signing the area, low trajectory nozzles and prohibition of an end gun to reduce the possibility of aerosol drift. A consultant for the Treasure State Acres system was quoted that this treated water is the equivalent of "pond water". Consequently, if local, state and federal laws are complied with on the adjoining properties, the public would not be exposed to a greater health risk on the proposed acquisition than along other areas of Prickly Pear Creek.

Comment: Another respondent also requested the EA be modified to identify horseback riding as a recreational opportunity on the FAS.

Response: Horseback riding is another form of recreation and would be an issue addressed during the development of the site or when establishing rules for the site if it

was acquired. Any compatible use would be considered that does not result in resource damage to the area.

Comment: One additional comment involved the Butte newspaper listing an incorrect email address for providing comments in new article.

Response: The commenter was provided the correct email address and a link to a comment page but did not submit comments regarding the proposed acquisition.

Revisions to the Draft Environmental Assessment

There were no potentially significant negative impacts raised during the public comment period that relate to the acquisition of the parcel; therefore, there are no substantive changes to the draft EA, and the draft EA becomes the final EA. The Draft EA, together with this decision notice, will serve as the final document for this proposal.

Decision

I find there to be no significant impact on the human or physical environment associated with this proposed acquisition, except to increase public access along Prickly Pear Creek. Therefore, I conclude the Environmental Assessment is the appropriate level of analysis, and that an Environmental Impact Statement is not required. Based on the environmental assessment and public comment, it is my decision to recommend to the FWP Commission that FWP proceed with the proposed action, Alternative B, to accept the donation of the 36 acre tract of land along Prickly Pear Creek for inclusion into the FAS program.



George Liknes
Acting Region 4 Supervisor

Date: July 16, 2013